

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|----------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | 4:06CR3132 |
| v. |) | |
| |) | |
| TODD D. PAPE, |) | |
| |) | MEMORANDUM AND ORDER |
| Defendant. |) | |
| _____ |) | |

A hearing was held before me this date on allegations made in the petition for action on conditions of pretrial release, filing 44. The defendant was present with counsel, and was advised of his rights. The defendant stood mute. Evidence was adduced. From the evidence, I find that the allegations of the petition are true.

Regarding disposition, the government argued for detention. Defendant submitted the matter. I find that defendant should be detained.

IT THEREFORE HEREBY IS ORDERED,

1. The previous order of release, filing 15, as amended by filing 32, is revoked, and the defendant shall be detained in the custody of the United States Marshal until further order.

2. The matter is set for a status conference on December 14, 2007 at 10:30 a.m. in Courtroom 2, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska. Defendant shall be present.

3. Defendant waived speedy trial time in open court, and I therefore find that the ends of justice will be served by granting such a motion, and outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between November 26, 2007 and December 14, 2007 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require

additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED November 26, 2007.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge